

## United States Bankruptcy Court

## Eastern District Of Michigan – Northern Division

## Complaint to Set Aside Preference and Recover Garnished Wages

1. This case was commenced by Debtor/Plaintiff, Chelonda Voniece Jones, by filing a voluntary petition under Chapter 7 of the Bankruptcy Code on February 8, 2019.
2. This complaint is filed, pursuant to 11 U.S.C. § 522(h), to set aside a transfer of the Debtor's exempt property to Defendant, Credit Acceptance Corporation. This Court has jurisdiction under 28 U.S.C. § 1334. This proceeding is a core proceeding in which the Bankruptcy Court has authority to enter a final order or judgment.
3. Prior to the Chapter 7 case being filed, Defendant, Jefferson Capital Systems, LLC through their attorney Mary Jane Elliott caused to be issued an attachment of the debtor's wages from her employer, Eberspaecher North America Inc, 29101 Haggerty Road, Novi, MI 48377.
4. Pursuant to this garnishment, for payment of an antecedent debt to Defendant. Plaintiff made involuntary transfers to Defendant totaling \$1767.41 within the 90 days preceding the filing of his bankruptcy case.
5. The Debtor could have exempted those funds in this case had they been recovered by the trustee as a preference under 11 U.S.C. § 547.

6. The trustee has not attempted to avoid this transfer.
7. The aforesaid transfer to Defendant was not voluntary nor did the Debtor conceal any of the property involved.
8. The transfer to Defendant on account of the antecedent debt to it, while the Debtor was insolvent, enabled Defendant to receive more than it would received if the transfer had not been made, because the Defendant would have received no dividend in the Debtor's bankruptcy case.

WHEREFORE, Plaintiff prays for judgment against Defendant ordering it to return the funds obtained by it as described above and ordering such other and further relief as is just and proper.

Respectfully submitted,

By: /s/ Matthew L. Frey (with consent)  
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